

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

JONATHAN RIVERA-PIEROLA, )  
)  
Plaintiff, )  
) Case Number  
vs. ) CIV-21-616 PRW  
)  
BOARD OF REGENTS for the OKLAHOMA )  
AGRICULTURAL and MECHANICAL )  
COLLEGES, et al., )  
)  
Defendant.)

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VIDEOCONFERENCE DEPOSITION OF PAUL DeMARS, DVM  
TAKEN ON BEHALF OF THE PLAINTIFF  
ON JUNE 12, 2023  
IN STILLWATER, OKLAHOMA

REPORTED BY: BRENDA SCHMITZ, CSR, RPR (VIA ZOOM)  
CITY REPORTERS  
14 Northeast 13th Street, Suite 101  
Oklahoma City, Oklahoma 73104  
(405)235-3376

Paul DeMars  
June 12, 2023

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1 APPEARANCES:

2  
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7  
8

9 FOR THE DEFENDANT (VIA ZOOM WITH THE WITNESS):

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**Exhibit 16 (Excerpts)**

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STIPULATIONS

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the video conference deposition of PAUL DEMARS, DVM, may be taken on behalf of the Plaintiff on JUNE 12, 2023, in the City of Stillwater, Oklahoma by Brenda Schmitz, Certified Shorthand Reporter within and for the State of Oklahoma, and Registered Professional Reporter, taken by notice pursuant to the State of Oklahoma Rules of Civil Procedure.

It is further stipulated and agreed by and between the parties hereto, through their respective attorneys, that all objections, except as to the form of the question and the responsiveness of the answer, are reserved until the time of trial, at which time they may be made with the same force and effect as if made at the time of the taking of this deposition.

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1 And thereupon the following witness was produced  
2 by the Plaintiff:

3 PAUL DEMARS, DVM,  
4 the witness hereinbefore named, being first duly  
5 cautioned and sworn to testify the truth, the whole  
6 truth, and nothing but the truth, testified on his  
7 oath as follows:

8 DIRECT EXAMINATION

9 BY MR. BACH:

10 Q. Can you state your name for the record,  
11 please?

12 A. Paul DeMars.

13 Q. And, Dr. DeMars, my name is Jason Bach,  
14 I'm an attorney who represents Jonathan  
15 Rivera-Pierola in a lawsuit against the university;  
16 do you understand that?

17 A. Yes.

18 Q. Okay. And thank you for your time here  
19 this afternoon. I appreciate it. I'm just going to  
20 go over a few of the ground rules here, here today.  
21 Have you ever had a deposition taken before?

22 A. As an expert witness, yes.

23 Q. On -- on how many occasions?

24 A. One.

25 Q. Okay. So you understand that the court

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1 that --

2 A. I'm assuming that this is something that  
3 Jonathan wrote, and as I said before, I'm assuming  
4 that this is something that he either handed me or  
5 e-mailed me, but I do not remember seeing it prior  
6 to today.

7 Q. And in this document, he talks about  
8 various interactions with Dr. Syp and -- and  
9 yourself throughout the rotation. Is that -- is  
10 that fair to say?

11 A. Correct.

12 Q. Is there anything that you read in here  
13 that you -- you disagree with?

14 A. Most of it. I mean, again, this is  
15 evidence of what we found that his version of the  
16 events and our version of the events differed  
17 dramatically.

18 Q. Okay.

19 A. So it's always phrased in a way that he's  
20 not at fault or he's not responsible, instead of  
21 what we would like to see is, yep, I didn't do that  
22 well, I missed that, thank you so much for pointing  
23 it out, and, you know, correcting their behavior.  
24 It's these kinds of attitudes that I think are going  
25 to be dangerous if a person gets a professional



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1 degree and is allowed to practice medicine without  
2 supervision.

3 Q. And I know you can't speak to the portions  
4 of this that only deal with Dr. Syp, but in the  
5 portions of -- of this document where Jonathan is  
6 talking about his interactions with you or meetings  
7 that he was in with you --

8 A. Uh-huh.

9 Q. -- can you specifically show me which  
10 portions of those that you disagreed with his -- his  
11 perspective or his characterization, I guess, if you  
12 will?

13 A. So, probably the one thing that is in my  
14 mind is in the case of -- titled Cash Waters, I  
15 think it's 044. So, a lot of what I was trying to  
16 communicate to Jonathan about why this case  
17 concerned me so much is skin and ear problems are a  
18 very common issue that we see in our service. We  
19 give, even, an hour educational round session on  
20 those topics, each of those topics.

21 And one of the big teaching points that I  
22 cannot believe a student would miss with me, is that  
23 when we're treating theses types of infections that  
24 that are four commonly employed antibiotics. And my  
25 expectation is by the end of spending so much time

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1 with them, a student would be able to recall those  
2 four antibiotics very, very quickly.

3 He was unable to, both in the moment and then I  
4 believe during the feedback session, so, now  
5 we're -- I don't know how many days afterwards, but  
6 a good time afterwards, I once again asked him, so,  
7 what are the four antibiotics that we would expect  
8 to be used. And once again, he had no recall of  
9 that fact.

10 And so it's problematic for me for a student to  
11 not capture that knowledge point during the  
12 instruction, to not be able to demonstrate it during  
13 a clinical case, and then when called it, I mean,  
14 because it should have been very clear to me, it's  
15 obvious that he knew I was not satisfied with his  
16 answer, for him to not have the motivation or  
17 ability to go and look it up and have it ready for  
18 me the next time I encounter it.

19 And so, it's -- again, it's a good example of  
20 an individual that I feel is unable to accept the  
21 criticism that we're leveling towards him, the  
22 feedback that we're giving him.

23 The same with the next case, Augustus Nahs,  
24 this is a routine kitten vaccination and he was  
25 unable to recite for me the kitten vaccination

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1 program. This, again, is the whole point of our  
2 rotation. We spend weeks doing these types of  
3 appointments, he should have had several repetitions  
4 in which to not only understand the material, but  
5 able to be -- to be able to duplicate it, and this  
6 is the last day of the rotation.

7 So he had been given as many chances as I feel  
8 that he should be to do something as basic as a  
9 wellness appointment, and he was unable to recite  
10 for me the kitten vaccination program at this time.  
11 And so, once again, instead of saying, you're right,  
12 Dr. DeMars, I still didn't have that information,  
13 but I certainly do now, we are seeing all kinds of  
14 defenses as to why he was actually correct and I was  
15 not. So this is all examples of the instances that  
16 Dr. Syp and myself identified about Jonathan, and  
17 sadly, decided to give him a failing grade because  
18 of it.

19 Q. And then if you -- if you look underneath  
20 that case, it appears that Jonathan is talking about  
21 the final meeting that you had with him and Dr. Syp?

22 A. Okay. Uh-huh.

23 Q. And can you read that -- that paragraph  
24 there and let me know if there's anything that you  
25 disagree with?

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CROSS-EXAMINATION

BY MR. PRATT:

Q. I have a few follow-up questions for you, Dr. DeMars.

A. Okay.

Q. I am going to hand you a document, I do not intend to mark it as an exhibit for this deposition, but I'm going to do this for -- hopefully for clarification purposes. It has previously been produced in discovery as Board 00084, and has been an exhibit in some of the other depositions that we have taken. Can you take a look at that document and tell me if you recognize it?

A. Yes, I recognize it.

Q. What is this document?

A. This is the official grade sheet that is produced for each student on rotation.

Q. Okay. How many pages is it?

A. Two pages.

Q. What is the first page?

A. The first page is the numeric calculation of all the sections that we evaluate a student in, and at the bottom is the total points grade for the student.

Q. Okay. And the document that you have is a

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1 grade report for the community practice rotation,  
2 and does it indicate which student it relates to?

3 A. It is for Jonathan.

4 Q. Okay. And does it tell you the dates of  
5 activity?

6 A. Yes. Hold on, let the eyes focus here.  
7 February 10th, 2020 to March 1st, 2020.

8 Q. Okay. Is this evaluation or grade sheet,  
9 is this a standard document that is issued to all  
10 students that participate with the community  
11 practice rotation?

12 A. Yes.

13 Q. And does this represent the document that  
14 relays the student's final grade to them?

15 A. Yes.

16 Q. If you'll turn to the second page.  
17 What -- the second page is -- looks much different  
18 than the first, does it not?

19 A. Correct. It is a paragraph with myself,  
20 Dr. Syp and another unknown third party's written  
21 comments that are an option to fill in for the grade  
22 sheet.

23 Q. Okay. I want to zero in on that just a  
24 little bit, but let's start with -- and I'm going to  
25 do this somewhat backwards. But if you'll notice

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1       towards the bottom of the second page --

2           A.     Uh-huh.

3           Q.     -- there appears to be a separate entry  
4       from those above it. Do you recognize the final  
5       entry there? I believe it starts with either the  
6       date before March, 2020 or directly below that.

7           A.     Yes. It's a repeat of the information  
8       that we looked at earlier.

9           Q.     Exhibit 6?

10          A.     Exhibit 6, yes, sir.

11          Q.     So, earlier when you were presented with  
12       Exhibit 6, it appeared to be a letter that was  
13       written from you to Jonathan about your concerns  
14       with him in the rotation?

15          A.     Correct.

16          Q.     That letter is repeated verbatim here as  
17       your commentary to his evaluation?

18          A.     Yes.

19          Q.     Okay. Now, we're, like I said, go in  
20       reverse order. Let's go back to the top of the  
21       page.

22          A.     Okay. On page 2?

23          Q.     Yes, sir.

24          A.     Okay.

25          Q.     It also starts, it is written in letter

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1 form, addressed to Jonathan; do you see that?

2 A. Correct.

3 Q. What -- can you discern who submitted this  
4 portion of the evaluation?

5 A. Down below, we see LAS, my assumption is  
6 that's Dr. Syp.

7 Q. Now, directly following the LAS, but prior  
8 to what appears to be the beginning of your --

9 A. Correct.

10 Q. -- statement, there is a singular  
11 sentence. Would you read that for us for the  
12 record?

13 A. "On more than one occasion where this  
14 student was not telling the truth regarding what he  
15 had or had not done concerning patient care." With  
16 a dash afterwards.

17 Q. Do you know who contributed that  
18 statement?

19 A. No, I do not know who wrote that  
20 statement.

21 Q. Who could have written that statement?

22 A. Evaluators include our nursing staff and  
23 any of the interns, which are young doctors who also  
24 see cases under our supervision. So I believe the  
25 intern on this rotation was Dr. Irizarry.

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1           Q.    So you believe that this report consists  
2 of three separate entries; is that correct?

3           A.    This report definitely consists of three  
4 separate entries.

5           Q.    But as you sit here today, you -- you have  
6 no certainty as to who contributed the second of  
7 the --

8           A.    No. We do not ask that people who provide  
9 written comment identify themselves. It is optional  
10 if they wish to, so the student can go back to that  
11 person for more information. So we -- especially  
12 with nurses and young doctors, we want to make sure  
13 that there is no pressure that could be leveraged  
14 upon them afterwards.

15          Q.    Is it common for them not to include a  
16 signature?

17          A.    Yes, very common for them not to include a  
18 signature.

19          Q.    Okay. Dr. DeMars, during your time as a  
20 clinical professor at the Oklahoma State University  
21 Veterinary -- College of Veterinary Medicine, are  
22 you aware of or can you recall any instances of a  
23 year four clinical student being written up or  
24 receiving a violation of the academic integrity  
25 policy?

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1 A. No.

2 Q. And why would that be?

3 A. The clinical year is not like other  
4 classes. We are working in a much smaller group, we  
5 are working in a clinical setting, it is not the  
6 typical lecture, examination-type experience that  
7 classrooms typically have. So, things that I would  
8 feel would qualify for an academic integrity  
9 violation aren't really occurring.

10 The only way I can think of one occurring would  
11 be if a student cheated on a written evaluation,  
12 such as we have in the course or plagiarize some  
13 written report that they had to turn in on a case,  
14 those are the things that I have seen handled by  
15 official academic integrity violation reports.

16 So, things that we typically deal with on a  
17 unsatisfactory performance are more skill based or  
18 attitude based than they are integrity violations.

19 Q. Is there anything that you observed during  
20 Jonathan's participation in your rotation that led  
21 you to believe that an academic integrity violation  
22 should or could have been filed against him?

23 A. No.

24 MR. PRATT: I have no additional  
25 questions.



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JURAT

I, PAUL DEMARS, DVM, do hereby state under oath that I have read the above and foregoing transcript in its entirety, and that the same is a full, true, and correct transcription of my testimony so given at said time and place, except for the corrections noted.

\_\_\_\_\_  
PAUL DEMARS, DVM

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned Notary Public in and for the State of \_\_\_\_\_ on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

REPORTED BY: BRENDA SCHMITZ, CSR, RPR

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## CERTIFICATE

STATE OF OKLAHOMA )  
 ) SS:  
OKLAHOMA COUNTY )

I, Brenda Schmitz, Certified Shorthand Reporter within and for the State of Oklahoma, do hereby certify that the above-named PAUL DEMARS, DVM, was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid; that the above and foregoing deposition was by me taken in shorthand and thereafter transcribed; that the same is true and correct; and that it was taken on JUNE 12, 2023, at the time of 2:07 p.m. in the City of Stillwater, County of Payne, State of Oklahoma under the stipulations hereinbefore set out, and that I am not attorney for or relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19th day of June, 2023.

\_\_\_\_\_  
BRENDA SCHMITZ, CSR, RPR #18230  
Oklahoma Certified Shorthand Reporter  
Certificate No. 00823  
Expires: December 31, 2023

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